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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/758,529   | 01/16/2004  | Minoru Tsuchida      | 03280091AA          | 5605             |
| 30743  | 7590        | 10/19/2005           | EXAMINER            |                  |
| WHITHAM, CURTIS & CHRISTOFFERSON, P.C.<br>11491 SUNSET HILLS ROAD<br>SUITE 340<br>RESTON, VA 20190 |             |                      | PAHNG, JASON Y      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3725                |                  |

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/758,529 | <b>Applicant(s)</b><br>TSUCHIDA, MINORU |  |
|                              | <b>Examiner</b><br>Jason Y. Pahng    | <b>Art Unit</b><br>3725                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-9 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The amendment overcomes the claim rejection under 35 U.S.C. 102 made in the last Office action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber (US 4,376,373) in view of Ueno et al. (US 6,336,601) and Sharp et al. (US 3,266,413).

With regard to claims 1, 2, 4, and 5, Weber discloses a heat treatment process for incinerating composite waste comprising an automobile (column 1, lines 18-20), but does not recite a dry distillation process. In a closely related art, Ueno discloses a heat treatment process which is a dry distillation process (column 1, lines 18-21) in order to recycle composite waste. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Weber with a dry distillation process in order to recycle composite waste, as taught by Ueno.

With regard to claims 1 and 5, Weber discloses a scrap automobile, but does not recite that it is a rectangular parallelepiped shape. In a closely related art, Sharp discloses a pressed composite waste comprising an automobile which is in a rectangular parallelepiped shape (column 1, lines 50-59) in order to reduce transportation cost (column 1, lines 26-39). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Weber (as modified by Ueno) with a pressed composite waste comprising an automobile which is in a rectangular parallelepiped shape in order to reduce transportation cost, as taught by Sharp. With regard to claim 1, Sharp's automobile is pressed (column 1, lines 50-59).

Claim 2 calls for a further shredding process following the distillation process and a separating process. Ueno discloses a dry distillation process (column 1, lines 18-21) followed by a shredding process (column 7, line 33) in order to separate the shredded composite waste into combustible carbide and incombustibles (column 1, lines 18-21). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Weber (as modified above) with a shredding process following the distillation process in order to separate the shredded composite waste into combustible carbide and incombustibles, as taught by Ueno.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weber (US 4,376,373) in view of Ueno et al. (US 6,336,601) and Sharp et al. (US 3,266,413), further in view of Murata (US 6,086,000). Claim 3 calls for a coarse shredding process and a fine shredding process for the shredding process. In a closely related art, Murata discloses a coarse shredding process and a fine shredding process because a single

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crushing is not sufficient to produce a finely crushed material (column 3, line 60 – column 4, line 2. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Weber (as modified by Ueno and Sharp) with a coarse shredding process and a fine shredding process because a single crushing is not sufficient to produce a finely crushed material, as taught by Murata.

### ***Allowable Subject Matter***

Claims 6-9 are allowed.

### ***Response to Arguments***

Applicant's arguments filed on August 4, 2005 have been fully considered but they are not persuasive.

The amendment overcomes the claim rejection under 35 U.S.C. 102 made in the last Office action.

With regard to claim 1 rejection under 35 U.S.C. 103, Applicant argues that Ueno discloses only distillation and does not need any shredding. However, this is not true. Ueno discloses distillation followed by shredding (column 7, line 33).

With regard to claim 3, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant argues that Murata is silent about distillation

process. However, the combined references of Weber, Sharp, and Murata disclose distillation process.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

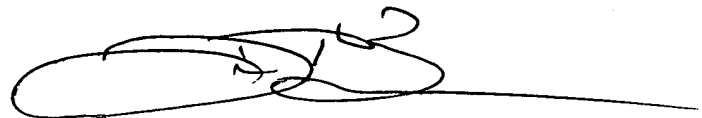
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYP

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal line extending to the right.

**DERRIS H. BANKS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**